

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

RONNIE MANNING,

Plaintiff,

v.

CIVIL ACTION NO. 2:22-cv-00538

UNITED STATES POSTAL SERVICE,
et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Currently pending before the Court are the *Defendant United States Postal Service's Motion to Substitute the United States as the Proper Party in its Place* (Document 3), the *United States of America's Motion to Dismiss* (Document 5), the *Defendant's Motion to Dismiss, or, in the Alternative, for a More Definite Statement* (Document 15), and the *Defendant Mountaineer Gas Company's Motion to Dismiss* (Document 17).

By *Administrative Order* (Document 7) entered on November 28, 2022, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On July 25, 2022, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 21) wherein it is recommended that this Court dismiss this action from the Court's docket without prejudice and terminate all the Defendants' motions as moot.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due no later than February 9, 2023.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that this action be **DISMISSED** without prejudice, and that the *Defendant United States Postal Service's Motion to Substitute the United States as the Proper Party in its Place* (Document 3), the *United States of America's Motion to Dismiss* (Document 5), the *Defendant's Motion to Dismiss, or, in the Alternative, for a More Definite Statement* (Document 15), and the *Defendant Mountaineer Gas Company's Motion to Dismiss* (Document 17) be **TERMINATED as MOOT**.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: February 13, 2023


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA